



subject matter jurisdiction. When subject matter jurisdiction is challenged, the plaintiff has the burden of proving jurisdiction to survive the motion. *Evans v. B.F. Perkins Co.*, 166 F.3d 642, 647 (4th Cir. 1999).

Plaintiffs have failed to show that this Court has subject matter jurisdiction over their claims. Generally, whether this Court has federal question jurisdiction “is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987) (citation omitted). A review of plaintiffs’ complaint and the exhibit thereto reveals no federal question that would vest this Court with subject matter jurisdiction. Each of the claims against the remaining Shoaf defendants arise under state law. Therefore, even if a claim in the complaint against another defendant would have vested this Court with subject matter jurisdiction, those defendants have been voluntarily dismissed and the Court would decline to exercise jurisdiction over the remaining state law claims against the remaining defendants. 28 U.S.C. § 1367(c)(3).

### CONCLUSION

Because plaintiffs have failed to come forward and demonstrate any basis for this Court’s jurisdiction, defendants’ motion to dismiss [DE 39] is GRANTED. Defendants’ motion to stay responding to discovery [DE 51] is DENIED AS MOOT. Plaintiffs’ notice/motion for sanctions [DE 50] is without merit and is DENIED.

SO ORDERED.

This the 22 day of January, 2015.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE